IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 6TH NOVEMBER 2007 / 15TH KARTHIKA 1929

Bail Appl..No. 6746 of 2007()

CRIME NO. 412/07 OF KADAKKAL POLICE STATION
CMP.8555/2007 of J.M.F.C.-II,KOTTARAKKARA

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PETITIONER/ACCUSED

NIZARUDDEEN @ PONNUMON,
S/O.SALAHUDEEN,PALLIKKUNNIL VEEDU,
MUTTAYIL MURI,MANGODE VILLAGE, KADAKKAL, KOLLAM.

BY ADV. SRI.SAJU.S.A

RESPONDENTS: COMPLAINANT

STATE OF KERALA REPRESENTED BY THE
SUB INSPECTOR OF POLICE, KADAKKAL POLICE STATION
THROUGH THE POUBLIC PROSECUTOR, HIGH COURT OF
KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. S.U. NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 06/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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B.A.No. 6746 of 2007

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Dated this the 6th day of November, 2007

O R D E R

Application for regular bail. The petitioner faces allegations under Section 376 I.P.C. He is alleged to have entered the house of the defacto complainant, a woman aged about 25 years. Her husband was involved in some disputes with another neighbour and was unable to come to the house of the defacto complainant. The petitioner allegedly entered the house and promised to ensure that the disputes of the husband will be settled, if she would agree to have sexual intercourse with him. The defacto complainant refused and at that point of time, the petitioner allegedly threatened the defacto complainant and under duress compelled her to have sexual intercourse with him. She complained immediately to the neighbours. She was taken to the hospital. Her statement was recorded and thereupon crime was registered. The incident took place on 6.10.2007. The

petitioner was arrested on 7.10.2007 and he continues in custody. Investigation is not complete.

2. The learned counsel for the petitioner prays that the petitioner may be enlarged on bail. The petitioner is absolutely innocent, it is submitted.

3. The learned Prosecutor opposes the application. All available materials point to the complicity of the petitioner. At this early stage of investigation, the petitioner may not be released on bail, submits the learned Prosecutor.

4. I have considered all the relevant inputs. The F.I.R. was read over to me. I am satisfied that the petitioner does not deserve to be enlarged on bail at this early stage. In a serious crime like this, the Investigators must be given sufficient time to complete the investigation.

5. This application is, in these circumstance, dismissed. But I may hasten to observe that the petitioner shall be at liberty to move this court or the courts below for bail again at a later stage of the investigation, not

at any rate, prior to 20.11.2007. The Investigators shall, in the meantime, make every endeavour to complete the investigation.

(R. BASANT)
Judge

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